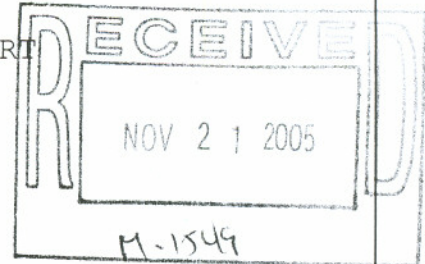


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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS



CARLOS A. AGUIAR
Plaintiff

vs.

Docket No.
04-12011-MLW

LIMA & CURA FISHING CORPORATION,
Defendant

DEPOSITION of JOAO RIGEIRO CURA, a
witness called by and on behalf of the Plaintiff, taken
pursuant to the Federal Rules of Civil Procedure,
before Cynthia F. Stutz, Certified Shorthand Reporter
and Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Latti & Anderson, LLP,
46 Union Street, New Bedford, Massachusetts, on
Wednesday, November 9, 2005, commencing at 12:51 p.m.

Hennessey Corp., d/b/a
Robert H. Lange Company
50 Congress Street
Boston, Massachusetts 02109
617-523-1874 *** 800-645-6807 *** Fax 617-523-7343

1 A. There's no need for signals.

2 Q. Because the winch operator can see what the
3 hook-up man is doing?

4 A. He sees what he's doing and the other one sees
5 what -- They watch each other.

6 Q. And once the hook-up man walks away from the
7 door, then the winch operator will lower it into
8 position?

9 A. Yes.

10 Q. At any time while Carlos was hooking up the
11 door did you see the door go up?

12 A. No.

13 Q. Was the door swaying while Carlos was hooking
14 it up?

15 A. It could be, but it was very little, because
16 the weather was nice.

17 Q. When the door went down, you said it went down
18 slowly?

19 A. Yes.

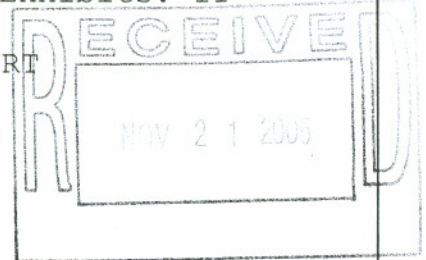
20 Q. Is there anything that could make the door go
21 down slowly like that other than having a huge weight
22 on it?

23 A. In this case, no.

24 Q. The door could also go down like that if the

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS



CARLOS A. AGUIAR

Plaintiff

vs.

Docket No.
04-12011-MLW

LIMA & CURA FISHING CORPORATION,
Defendant

INTERPRETED DEPOSITION of JOSE LIMA, a witness called by and on behalf of the Plaintiff, taken pursuant to the Federal Rules of Civil Procedure, interpreted by Maria Margaret Furtado before Cynthia F. Stutz, Certified Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Latti & Anderson, 46 Union Street, New Bedford, Massachusetts, on Wednesday, November 9, 2005, commencing at 11:04 a.m.

Hennessey Corp., d/b/a
Robert H. Lange Company
50 Congress Street
Boston, Massachusetts 02109
617-523-1874 *** 800-645-6807 *** Fax 617-523-7343

1 Q. Do you remember what time of day it was when
2 Carlos hurt his hand?

3 A. It was like almost early morning. It was
4 after 4:00 a.m., because Carlos was up.

5 Q. Had the sun come up yet?

6 A. No, not yet.

7 Q. Are there any lights on the boat?

8 A. Yes, enough.

9 Q. Is the area where the door is coming up well
10 lit?

11 A. Yes, it is.

12 Q. And can you see the hook-up man well?

13 A. Yes, almost as I'm seeing this pen.

14 Q. And you can see what he's doing with the door?

15 A. Yes, exactly.

16 Q. At the time that Carlos got hurt what was the
17 weather?

18 A. It's not bad. It was good, fairly good, but
19 the boat moves. We're not on the highway, so it always
20 moves.

21 Q. Do you know what the winds were?

22 A. Not too windy. 15 knots.

23 Q. Do you remember what the seas were?

24 A. You know, it was wavy, but I can't tell you

1 exactly how high the waves were.

2 Q. Was the boat rolling at the time Carlos was
3 hooking up the door?

4 A. It's always, yes. The minute you leave New
5 Bedford to come back, it never stops.

6 Q. When Carlos was hooking up the door where was
7 Mr. Machado?

8 A. He was doing the same job on the other side.

9 Q. He was hooking up the door on the other side?

10 A. Yes.

11 Q. When you brought up the door did you see mud
12 on the door?

13 A. Yes, it had a little bit. It always brings a
14 little bit.

15 Q. Do you have to raise the door any differently
16 when there is mud on the door?

17 A. No, same thing. Always the same job.

18 Q. Does the hook up man do the hook-up any
19 differently when there is mud on the door?

20 A. No, it's always the same.

21 Q. And will you lower the door into its final
22 position any differently when there's mud on the door?

23 A. No, it's always the same way. The job is
24 always the same.

1 wasn't as fast as he should have been.

2 Q. That Carlos wasn't as fast as he should have
3 been?

4 A. I think, yes.

5 Q. When you brought the net up was there more
6 fish in it than usual?

7 A. It had mud, it had fish. I mean, to remember
8 exactly at that time if it had more or not, I mean,
9 it's just a difference of a few pounds.

10 Q. Do you think the contents of the net were any
11 heavier than usual on that haul back?

12 A. Yes, because, I mean, if that mud comes with
13 it, it's heavier than normal.

14 Q. But is the brake on the winch strong enough to
15 hold the door and hold the net?

16 A. Yes, I've already answered that question
17 several times, yes.

18 Q. Do you think that maybe the net didn't drop at
19 all and it just swayed outboard?

20 A. I don't think. I'm not sure. I mean, it
21 could be what happened, but I'm not sure if that's for
22 sure. I don't know.

23 Q. And when you were watching did you see the
24 door drop?